

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda ,Nalgonda District under Rule 11 of the AP SCs, STs & BCs Issue of the community, Nativity & Date of Birth Certificate Rules,1977 against the Proceedings No.H7/3787/2006, dt.28-9-2006 of the Collector and District Magistrate, Nalgonda – Rejected – Orders – Issued.

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BACKWARD CLASSES WELFARE (C1) DEPARTMENT

**G.O.Ms.No.29**

**Dated: 12 .5.2009**

Read the following:

1. From the Collector & District Magistrate, Nalgonda District, Proceedings No. H7/3787/2006, dt.28-9-2006.
2. From Sri Nuvvula Srinivas S/o Ummaiah ,R/o Nalgonda ,  
  
Nalgonda District ,Appeal Petition Dt.12-10-2006(Received on 24-10-2006).
3. Govt.Memo.No.3787/C1/2006-1, dated. 15-11-2006.
4. From the Collector & District Magistrate, Nalgonda District, Lr. No. H7/3787/2006, dt.23-3-2007.
5. Govt.Memo.No.3787/C1/2006-3, dated. 21-6-2008..
6. Govt.Memo.No.3787/C1/2006, dated. 9-9--2008.
7. G.O.Rt.No.378,Dated:10 -12-2008
8. From the High Court of A.P. Hyderabad Order dt. 26-12-2008 in

W.P.No.27666/2008.

9. Memo.No.6030 /C1/2009,Dt.2 -3-2009

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**O R D E R:**

The District President ,B.C. Welfare Association, Nalgonda has filed a complaint before the Collector & District Magistrate, Nalgonda against the Caste status of Sri Nuvvula Srinivas S/o Ummaiah, R/o Nalgonda ,Nalgonda District ,stating that Sri Nuvvula Srinivas, who belongs to Veera shaiva Lingayat Baliya , a forward caste, had obtained " Perika Baliya" BC-B Caste Certificate and contested from 13<sup>th</sup> ward of Nalgonda Municipality in the local body elections held in September,2005 and successfully won.

2) On receipt of the above complaint, the Collector& Dist Magistrate, Nalgonda District had requested the Revenue Divisional Officer, Nalgonda, the Mandal Revenue Officer, Nalgonda and the Municipal Commissioner, Nalgonda for re-verification and to offer their remarks.

3) The Enquiry Report of M.R.O., Nalgonda revealed that he conducted a Panchanamas with the elder people of the locality, on 9-3-2006, where in the Panchas deposed that the Caste of Nuvvula Srinivas, Councilor, is 'Baliya' and sub-caste is Perika Baliya, Vada Balliya, Setti Baliya, Krishna Baliya etc., They are vegetarians. At the time of their marriages, they would call "Jangam" if available, otherwise they would call 'Brahmins' to perform the marriages. Their 'Kula Guruvu' (Community elders) is 'Jangam', which is existing in 'BC-A' category. The Panchas further deposed that Sri Nuvvula Srinivas is having a brother and (3) sisters and all of them reside in Nalgonda. Sri.Nuvvula Srinivas has married a woman, from Phanigiri village of Tirumalagiri Mandal. Sri.Ummaiah, father of Sri N.Srinivas, has migrated to his uncle's place here, about (50) years back, from Uppalpahad of Suryapet. They are having agricultural lands, and their main profession is agriculture. The main occupation of 'Baliya' people is cultivation and selling of vegetables and leafy vegetables. At present, they are doing different businesses of their own choice. Majority of them are doing business of selling leafy vegetables. All of them offer their holy prayers to 'Lord Siva'. As per the facts mentioned in the 'Panchanama' and views of the Panchas and customs/rituals observed by the community people, it is opined that Sri Nuvvula Srinivas R/o Nalgonda belongs to 'Baliya' caste.

4) The District Level Scrutiny Committee, Nalgonda District, which met in the Chambers of the Joint Collector & Chairman of the Committee, after perusal of all the connected papers has come to a conclusion that Sri Nuvvula Srinivas S/o Ummaiah failed to produce any substantial evidence to show that he belongs to 'Perika Baliya' (BC-B) Caste, and resolved to cancel the B.C. Caste Certificate bearing No.C3/731/91, dated.19-6-1991 issued to him.

5) The Collector & District Magistrate, Nalgonda District in his Proceedings 1<sup>st</sup> read above, has cancelled the B.C. Certificate issued by the Mandal Revenue Officer, Nalgonda, in favour of Sri Nuvvula Srinivas S/o Ummaiah R/o Nalgonda ,Nalgonda District .

6) Aggrieved by the orders of the District Collector, Nalgonda District, Sri.Nuvvula Srinivas, S/o Ummaiah, R/o Nalgonda, Nalgonda District, in the reference 2<sup>nd</sup> read above, has filed an Appeal petition before the Government on 12-10-2006 under Rule 11 of the AP SCs, STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules,1977, and, requested to suspend the orders passed by the District Collector, Nalgonda District , pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

7) The Appeal Petition filed by Sri Nuvvula Srinivas in the reference 2<sup>nd</sup> read above was taken on file on 24-10-2006 and called for the records in the reference 3<sup>rd</sup> read above.

8) The Petitioner in his Appeal Petition dt.20-10-2006 (received on 24-10-2006) has submitted the following grounds and requested the Govt., to set aside the order and notification Dt.28-9-2006 in proceedings.No.H7/3787/2006 issued by the District Collector, Nalgonda:-

- a. The District Collector, Nalgonda erred in passing the impugned order and issuing Notification on the same day canceling the caste certificate issued in favour of him.
- b. The District Collector, Nalgonda has relied solely on the Enquiry Report of the Mandal Revenue Officer, Nalgonda and Revenue Divisional Officer, Nalgonda, which were exparte reports and which were not made available to the appellant.
- c. The District Collector, herein erred in passing the impugned order which is in violation of principles of natural justice.
- d. The District Collector ought to have seen that the certificate was granted in favour of the appellant in the year 1991 by the competent authority after due enquiry and the same cannot be cancelled by violating the principles of natural justice.
- e. The District Collector ought to have supplied the report dated 17-4-2006 of Mandal Revenue Officer and the report dated. 29-5-2006 of R.D.O. to the appellant, which were made basis for passing the impugned order.
- f. The District Collector could not have relied upon the enquiry reports which were made solely for extraneous considerations, to come to the conclusion that appellant does not belong to B.C. 'B' community i.e. Peria Balija Caste.
- g. The appellant submitted that on notices being issued by District Collector, the appellant appeared and furnished documentary evidence in his favour and requested for oral enquiry. But the District Collector has passed the impugned order stating that appellant did not produce any evidence or record in support of his claim. The District Collector, Nalgonda did not permit the appellant to adduce any oral evidence which is necessary to prove the appellant's case that he belongs to Perika Balija Caste, which is a B.C.'B' category.
- h. The District Collector, Nalgonda has violated the provisions of A.P. (SCs, STs & BCs) Regulation of Issue of Community Certificates Act, 1993, in total, and before passing the impugned order, the procedure laid down in the said Act was not followed. On all these grounds, the impugned order is liable to be set aside. The impugned order is passed only for political gains to deprive the appellant of his Community Certificate.
- i. The appellant submitted that he has been elected as Councilor in one of the reserved wards of Nalgonda Municipality, reserved for B.C. 'B' candidate and people who are against the appellant seem to have influenced the District Collector, Nalgonda for cancellation of the said certificate so that steps could be taken to disqualify him from holding the elected post.
- j. The District Collector, Nalgonda ought to have seen that similar certificates were issued in favour of all the relatives of the appellant and the same is not taken into consideration before passing the impugned order canceling the Certificate issued in favour of the appellant.

9) The Appeal Petitioner viz., Sri Nuvvula Srinivas was requested to attend the hearing on 7.7.2008 at 12:30 PM before the Government in person or through his Counsel through the Govt Memo 5<sup>th</sup> read above which has been sent to the Appeal Petitioner through the Collector through speed post. Since the individual was failed to attend on 7-7-2008 ; second notice through the Govt Memo 6<sup>th</sup> read above was sent to the Appeal Petitioner through the Dist Collector, Nalgonda

Dist through speed post for attending hearing on 13.10.2008 at 12:00 Noon before the Govt in person or through his counsel and the case has been heard on 13.10.2008.

10) The Govt., after careful examination of the records was of the opinion that Sri.Nuvvula Srinivas, S/o Ummaiah, R/o of Nalgonda, Nalgonda District belongs to Balija forward caste and obtained "Perika Balija" BC-B caste certificate from MRO, Nalgonda fraudulently. It had been decided that the Procs.No.H7/3787/2006, dt:28.9.2006 issued by the District Collector, Nalgonda holds good and the appeal petition filed by Sri.N.Srinivas, S/o Ummaiah, R/o of Nalgonda, Nalgonda District has been rejected vide G.O.Rt.No.378, BC Welfare (C1) Dept., dt:10.12.2008.

11) The Hon'ble High Court of AP, Hyderabad in its telegraphic order, dt:26.12.2008 in W.P.No.2766 of 2008 filed by the petitioner has set aside the G.O.Rt.No.378, BCW(C1) Dept,Dt.10-12-2008 and the matter is remitted to the Government to consider and pass appropriate orders afresh, in accordance with law. The hearing and disposal of the said appeal shall be only after putting the petitioner on notice and giving him sufficient opportunity of being heard. The said exercise shall be done within a period of 8 weeks from the date of receipt of a copy of the W.P. The Interim Order granted by the Secretary to Government staying the order dt:28.9.2006 passed by the Collector shall be in force pending disposal of the said appeal.

12) In pursuance of interim orders of the Hon'ble High Court, the Govt., conducted hearing on 6-3-2009 at 12.45 PM in the chambers of Hon'ble M(BCW). At the time of hearing, the President of BC Welfare Association, Nalgonda along with some other elders of the Kula Sangam and the Petitioner Sri Nuvvula Srinivas were present. The President of BC Welfare Association, Nalgonda along with some other elders of the Kula Sangam strongly argued that the false caste certificate was produced by Sri Nuvvula Srinivas for just political gain and he does not belong to the Perika Balija (BC-B Caste). They also strongly requested the Honble Minister to uphold the DLSC decision in cancelling the false caste certificate produced by the Sri Nuvvula Srinivas.

13) After hearing the case, it was observed that the petitioner i.e., Sri.Nuvvula Srinivas, S/o Ummaiah, R/o Nalgonda, Nalgonda District is completely failed in producing the evidence, in support of his claim. It is observed that the petitioner does not belong to the Perika Balija, BC-B caste and it is proposed to uphold the orders of the District Collector, Nalgonda by cancelling the false caste certificate obtained by the petitioner i.e., Sri.N.Srinivas, S/o Ummaiah, R/o Nalgonda, Nalgonda District.

14) Accordingly, the Appeal Petition filed by Sri.Nuvvula Srinivas, S/o Ummaiah, R/o Nalgonda, Nalgonda District in the reference 2<sup>nd</sup> read above is hereby rejected duly upholding the orders of the District Collector, Nalgonda in proceedings No.H7/3787/2006, dt.28-9-2006, in while the false Perika Balija (BC-B) Caste Certificate issued in favour of Sri.Nuvvula Srinivas, S/o Ummaiah, R/o Nalgonda, Nalgoda District was cancelled.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

T.SATYANARAYANA RAO

SECRETARY TO GOVERNMENT

To:

1. Sri Nuvvula Srinivas S/o Ummaiah

H.No.8-1-157,Gollaguda Street,Nalgonda Town, Nalgonda District

2. The Collector & District Magistrate, Nalgonda District

3. The Asst. Registrar, A.P., High Court – for information

Copy to:

1.The District President ,B.C.Welfare Association,Nalgonda

2. Sri Singam Rammohan S/O S. B.Ramulu,No.6-1-168,Boyawada,  
Vidyanagar, Nalgonda Town, Nalgonda District

3. The Director, B.C.Welfare, Hyderabad

4. The P.S. to M (BCW)

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER